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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,087	11/20/2003	Steven Edward Atkin	AUS920030867US1	9420

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EXAMINER
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SAINDON, WILLIAM V

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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10/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,087	<b>Applicant(s)</b> ATKIN ET AL.	
	<b>Examiner</b> William V. Saindon	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,12,16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,12,16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following FINAL Office Action is in response to Applicant's submission received June 12, 2008. Claims 1-4, 9, 12, 16, and 19 have been amended. Claims 5-8, 10, 11, 13-15, 17, 18, and 20 have been canceled. No claims have been added. Therefore, claims 1-4, 9, 12, 16, and 19 are pending.

#### ***Response to Amendment***

2. The 35 USC § **101 rejection** of claims 9, 12, 16, and 19 is **withdrawn** in light of Applicant's amendments rendering the system and computer medium statutory.
3. The 35 USC § **102 rejection** of claims 1-4, 9, 12, 16, and 19 as anticipated by Lapuyade et al. (US 7,217,109) is **withdrawn** in light of Applicant's amendments requiring additional limitations. Note that the rejection now falls under § 103, below.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, 9, 12, 16, and 19 have been considered but are **moot** in view of the new ground of rejection.
5. The Examiner would like to note the requirements for traversing official notice from MPEP § 2144.03:

To adequately traverse such a finding, an applicant must **specifically point** out the supposed errors in the examiner's action, which would include stating **why** the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b).

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If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate [emphasis added].

Because Applicant has not specifically pointed out any errors in the Examiner's action, the officially noticed facts in the April 11, 2008 Office Action are deemed admitted prior art.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Specifically, the claims are directed to a method used in a data processing system, the system containing instructions. However, this method has no steps. Instead, the steps in the claim are the method of the instructions of the data processing system, not the aforementioned method (i.e. the originally claimed method appears to not be referenced again).

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The Examiner suggests a rewording would make the preamble clearer. For example: --a method for managing scheduling information in a calendar program, the method tangibly embodied in computer executable instructions stored on a data processing system that when executed cause the data processing system to perform the steps comprising....--

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-4, 9, 12, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Special Edition Using Microsoft Outlook 2002, Que (May 17, 2001) (hereinafter Que).**

**As to claim 1, Que discloses a method comprising:**

storing in a memory of the data processing system a first scheduling information and a second scheduling information for a user, wherein the first scheduling information comprises a first location, a first time zone association with the first location, and first business hours associated with the first location and wherein the second scheduling information comprises a second location, a second time zone associated with a second location, and second business hours associated with the second location (see Fig. 10.1,

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noting Outlook keeps information regarding each meeting in two time zones [east & west], the two time zones associated with different locations [east & west coast], different business hours [east != west biz hours]; Fig. 27.5 shows the calendar setting for defining the start and end of the work day [business hours]);

presenting a calendar view, to the user, using the first scheduling information and the second scheduling information, wherein the first scheduling information is displayed using the first time zone and wherein the second scheduling information is displayed using the second time zone and wherein the first scheduling information displays only the first business hours using the first time zone and wherein the second scheduling information displays only the second business hours using the second time zone, wherein the calendar view is presented to the user on a display (see Fig. 10.1, noting the above information is displayed);

responsive to receiving a scheduled meeting time, from the user, selecting a participant from a plurality of potential participants (see Fig. 10.8, where a user can select attendees from the Outlook user base);

responsive to selecting the participant, receiving participant schedule information wherein the participant schedule information comprises a participant location and a participant time zone associated with the participant location (see id., noting participant free/busy time is displayed; p. 32, noting that Outlook saves all time information in UCT and converts to local time using the Windows local time zone setting for each user);

identifying a participant local time associated with the participant time zone associated with the participant location (see Fig. 10.8, noting received schedule information);

presenting the participant schedule information using the participant local time in the calendar view (see Fig. 10.8, noting the free/busy schedule information); and

responsive to identifying the participant local time, displaying a participant meeting time using the participant local time, wherein the participant meeting time corresponds with the schedule meeting time (see Fig. 10.6, noting invitations are received in the inbox with a local time stamp; p. 32, noting that Windows displays things in local time).

**As to claim 2,** Que discloses the first scheduling information and the second scheduling information are stored in a server for central management of calendar functions (see p. 4, noting that Outlook uses an Exchange server where the data is stored).

**As to claim 3,** Que discloses the calendar program is a web-based calendar system (see p. 4, noting that Outlook can also be accessed via its web-based portal).

**As to claim 4,** Que discloses identifying participant business hours associated with the participant location forming a participant work day; and presenting the participant schedule information using the participant work day using the participant time zone in the calendar view (see Fig. 10.1, noting the work day displayed; Fig. 27.5 shows the calendar setting for defining the start and end of the work day).

**Claims 9 and 12** are rejected for similar reasons as claims 1 and 4.

**Claims 16 and 19** are rejected for similar reasons as claims 1 and 4.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Saindon whose telephone number is (571)270-3026. The examiner can normally be reached on M-F 7:30-5; alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/wvs/

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623